



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/SR.36
2 May 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 5
AND 14

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-11607 (E)

The meeting was called to order at 10.55 a.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 5
AND 14

Draft resolutions and decisions relating to agenda item 5

1. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, said that all the financial implications of the draft decisions and resolutions adopted by the Commission would be examined subsequently by the Fifth Committee of the General Assembly.

Draft resolution E/CN.4/1997/L.13 (Human rights and unilateral coercive measures)

2. Mr. CASTRO GUERRERO (Colombia), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, recalled that all peoples had the right freely to determine their political status and freely to pursue their economic, social and cultural development. It was to protect that right that all States were called upon to refrain from adopting any unilateral measures that were not in accordance with international law and in particular measures of a coercive nature which created obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights. Such measures, which could go as far as depriving entire peoples of essential goods such as food and medicines, could not replace bilateral dialogue or multilateral negotiations, which alone could enable all peoples to live in harmony and strict respect for international law.

3. Mrs. RUBIN (United States of America) said that each nation had the absolute right to decide with which nations it would trade and the conditions under which such trade should take place. The draft resolution was but another effort by the Cuban Government to distract the Commission's attention from its lamentable human rights record. If that Government was concerned about its country's development, it should liberalize its economy and allow the Cuban people to exercise to the full the political and social freedoms proclaimed in the Universal Declaration of Human Rights. For those reasons, her delegation would vote against the draft resolution.

4. Mrs. KLEIN (Secretary of the Commission) explained that, if adopted, draft resolution E/CN.4/1997/L.13 would have no implications for the programme budget.

5. At the request of the representative of the United States, a vote was taken by roll-call.

6. Brazil, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Bulgaria, Canada, Germany, Japan, Netherlands, Republic of Korea, United Kingdom, United States.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Ukraine.

7. Draft resolution E/CN.4/1997/L.13 was adopted by 37 votes to 8, with 7 abstentions.

Draft decision E/CN.4/1997/L.12 (Human rights and the environment)

8. Mrs. KLEIN (Secretary of the Commission) said that Venezuela had also become a sponsor of the draft decision which, if adopted, would have no financial implications.

9. Draft decision E/CN.4/1997/L.19 was adopted.

Draft resolution E/CN.4/1997/L.21/Rev.1 (The right to food)

10. Mr. FERNANDEZ (Cuba), introducing the draft resolution, said that hunger was the result of the unequal distribution of wealth, as well as injustice in the world. The right to food was not an unusual or abstract right but an inalienable human right. In the draft resolution, which was the result of extensive consultations, the Commission reaffirmed that hunger constituted an outrage and a violation of human dignity and stressed the need to reinforce national action to implement sustainable food security policies. That confirmed the international community's determination to fulfil the undertakings it had assumed at the World Food Summit.

11. Mrs. REGAZZOLI (Argentina) said that, although she would vote for the draft resolution, it had not been sponsored by Argentina since the right to food was of such importance that its protection should be the subject of a serious commitment on the part of the entire international community.

12. Mrs. RUBIN (United States of America) said that the United States was pleased to join in the consensus on the draft resolution which, as amended, largely incorporated language used in the Rome Declaration on World Food Security and the World Food Summit Plan of Action. However, it believed that the important issue of food security was more properly and effectively addressed in forums other than the Commission.

13. In the view of the United States, the term "right of everyone to have access to safe and nutritious food" meant that Governments should promote the ability of their citizens to obtain food through their own production or the

opportunity to engage in remunerative employment. Similarly, the attainment in any society of a "right to adequate food" or "fundamental right to be free from hunger" did not give rise to any international obligation or diminish the responsibilities of Governments towards their citizens.

14. Lastly, although it understood the need to mobilize available resources to strengthen national actions to implement policies that improved food security, the United States considered that any reference to external debt relief necessitated mutually agreed terms between debtors and creditors.

15. Mrs. KLEIN (Secretary of the Commission) announced that Algeria, Canada, Denmark, Egypt, Norway, Peru, the Libyan Arab Jamahiriya and the United Republic of Tanzania should be added to the list of sponsors of the draft resolution.

16. Draft resolution E/CN.4/1997/L.21/Rev.1 was adopted.

Draft resolution E/CN.4/1997/L.22 (Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights)

17. Mr. ZAHRAN (Egypt), introducing the draft resolution on behalf of the Group of African States, said that the dumping of toxic wastes on the African continent constituted a serious threat to the human right to life and health. However, although many bodies, including the Organization of African Unity and the World Conference on Human Rights, had condemned that situation, the rate of dumping of hazardous and other wastes in the African and other developing countries by transnational corporations and other enterprises from industrialized countries was increasing.

18. For that reason, the Commission should provide the Special Rapporteur with adequate means to fulfil her mandate and invite the international community and competent United Nations bodies to give appropriate support to the developing countries in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes.

19. Mr. LEHMANN (Denmark) was of the view that the problem raised in the draft resolution was extremely serious. However, the Commission was not the ideal body to deal with it since there were a number of conventions on the subject and a monitoring system had been established under the Basel Convention. His delegation would therefore vote against the draft resolution.

20. Mr. VAN WULFFTEN PALTHE (Netherlands) endorsed the views expressed by the Danish representative. Referring to paragraph 11 of the draft resolution, he pointed out that the two cases of illicit movement and dumping of toxic and dangerous products involved the Netherlands and that the Special Rapporteur had mentioned one as concerning a problem of pollution and not of traffic and the other as concerning activities which had long since been ended.

21. Mrs. RUBIN (United States of America) endorsed the view expressed by the Danish representative. The problem at issue was much too serious to be

tackled superficially, particularly as the Commission's agenda was already overburdened. The Special Rapporteur's mandate should therefore be terminated.

22. At the request of the representative of the United States of America, a vote was taken by roll-call.

23. Bulgaria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom, United States.

Abstaining: Belarus, Bulgaria, Czech Republic, Dominican Republic, Ireland, Malaysia, Philippines, Republic of Korea.

24. Draft resolution E/CN.4/1997/L.22 was adopted by 32 votes to 12, with 8 abstentions.

Draft resolution E/CN.4/1997/L.23 (Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development)

25. Mr. GONZALEZ (Cuba), introducing the draft resolution, said that it was also being sponsored by Algeria, Gabon, Ghana, Sudan, the United Republic of Tanzania and Venezuela.

26. It was common knowledge that foreign debt was a serious problem which continued to affect economic, social, scientific and technical development adversely and to reduce living standards in many developing countries. Despite the extremely weak economic growth recorded during the 1990s, foreign debt had doubled in comparison with the 1980s. The various measures adopted to alleviate the problem included the initiative in respect of low-income highly-indebted countries and the decision of the Paris Club to go beyond the Naples terms. Yet the rigidity of the eligibility criteria approved by the community of creditor countries in the framework of such initiatives was of serious concern. Moreover, a large number of developing countries had not yet been able to find an effective, equitable, durable and development-oriented solution to the problem of outstanding debt and debt servicing.

27. For that reason it was necessary, by the adoption of the draft resolution, to create the necessary conditions for the solution of the problem, particularly through efforts to establish a just and equitable

international economic order and to ensure that creditor countries and international financial institutions increased financial assistance to the indebted developing countries in order to support the implementation of economic reforms, combat poverty and achieve sustained economic growth and sustainable development. The sponsors hoped that the draft resolution would be supported by all delegations genuinely wishing to solve what was a problem of fundamental importance for the developing countries.

28. Mrs. KLEIN (Secretary of the Commission) said that the draft resolution was also being sponsored by the Syrian Arab Republic and Togo.

29. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a vote was taken by roll-call.

30. The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom, United States.

Abstaining: Czech Republic, Philippines, Republic of Korea.

31. Draft resolution E/CN.4/1997/L.23 was adopted by 34 votes to 15, with 3 abstentions.

Draft resolution E/CN.4/1997/L.24 (Human rights and extreme poverty)

32. Mr. BERNARD (France), introducing the draft resolution, said that it was also sponsored by Australia, Bhutan, Bulgaria, Cape Verde, Ecuador, Gabon, Mexico, Mongolia, Romania, Senegal and Uruguay.

33. Year after year the international community's interest in human rights and extreme poverty had increased steadily. The International Year for the Elimination of Poverty, 1996, which had marked the beginning of the United Nations Decade for the Eradication of Poverty, had been the occasion for reaffirming the obligation to ensure respect for the human rights of the poorest. The Commission, at its present session, had before it the final report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1996/13), which constituted a milestone in efforts to ensure greater protection for the rights of all.

34. The sponsors of the draft resolution proposed that the Commission should approve the Special Rapporteur's recommendations that activities in that field should be pursued by assigning a special role to the High Commissioner for

Human Rights and hoped that the Special Rapporteur's report would be circulated as widely as possible. Special attention was paid to the question of women living in extreme poverty.

35. The following subparagraph should be added after paragraph 7 (e) in order to take into account the decisions of the Economic and Social Council and the Commission on the Status of Women:

"Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;"

36. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

37. Mrs. KLEIN (Secretary of the Commission) announced that the draft resolution was also being sponsored by Brazil, the Czech Republic, Norway, Mozambique, the Philippines, the Republic of Korea, Sweden, Togo, Ukraine and Venezuela.

38. Draft resolution E/CN.4/1997/L.24, as amended, was adopted.

Draft decision E/CN.4/1997/L.27 (Effects of structural adjustment policies on the full enjoyment of human rights)

39. Ms. BAUTISTA (Philippines), introducing the draft resolution on behalf of the countries participating in the open-ended working group on structural adjustment programmes and economic, social and cultural rights, recalled that, during the discussion of agenda item 5, a number of delegations had emphasized the need to pay more attention to economic, social and cultural rights in the interest of the universality, indivisibility and interdependence of all human rights. It was in that spirit that her delegation had decided to submit draft resolution E/CN.4/1997/L.27, under which the Commission would authorize a study of the effects of structural adjustment policies on economic, social and cultural rights. That study would constitute an update of previous work on the subject by the former Special Rapporteur on the realization of economic, social and cultural rights.

40. She urged the many delegations which had not taken part in the working group's deliberations to give that body a second chance. In view of the importance of structural adjustment to the developing countries, she earnestly hoped that the draft decision would be adopted by consensus.

41. Mrs. KLEIN (Secretary of the Commission) announced that Equatorial Guinea was also sponsoring the draft resolution.

42. Explaining the financial implications of the draft decision, she said that the functional services of the Working Group's session would be provided

by the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights; conference services would be provided under chapter 26.E of the programme budget for the 1996-1997 biennium. The appointment of an independent expert to study the effects of structural adjustment policies on economic, social and cultural rights would entail travel costs and subsistence allowances (field mission and official trip to Geneva for consultations with the High Commissioner for Human Rights/Centre for Human Rights) and the submission of a report to the Commission at its fifty-fourth session. Those costs, which were estimated at US\$ 19,000 for 1997 and US\$ 6,000 for 1998, could be financed respectively under chapter 21 of the programme budget for the 1996-1997 biennium and credits made available under chapter 22 of the draft programme budget for the 1998-1999 biennium.

43. At the request of the representative of the United Kingdom, a vote was taken by roll-call.

44. Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom, United States.

Abstaining: Czech Republic, Denmark, Ireland.

45. Draft decision E/CN.4/1997/L.27 was adopted by 36 votes to 13, with 3 abstentions.

46. Mr. KONISHI (Japan), explaining his delegation's vote on draft resolutions E/CN.4/1997/L.22 (Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights) and E/CN.4/1997/L.23 (Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development), said it had voted against the former since it believed that the problem should be tackled by United Nations bodies which dealt with environmental issues rather than by the Commission. With respect to the future work of the Special Rapporteur, his delegation considered that any allegations she received should be communicated to the Governments concerned, which should be given ample time to reply, and that their replies should be duly reflected in the report.

47. Draft resolution E/CN.4/1997/L.23 linked the problem of foreign debt to the question of human rights with a view to alleviating the debt burden. Not only did that resolution fail to reflect the language agreed upon in

paragraph 12 of the Vienna Declaration but it also tried to introduce inadequate elements and divert attention from the real problem. For those reasons, his delegation had voted against it.

48. Ms. BAUTISTA (Philippines), explaining her vote on draft resolutions E/CN.4/1997/L.22 and E/CN.4/1997/L.23, said she had abstained on the former because the technical questions raised were not within the purview of the Commission. Furthermore, the Special Rapporteur had failed to take into account the information communicated by Governments, preferring - in the case of the Philippines for example - to base her report on newspaper articles.

49. Her delegation had also abstained from the vote on draft resolution E/CN.4/1997/L.23, despite its espousal to the broad principles it proclaimed, because it considered that structural adjustment policies were not entirely bad and that their content could be improved.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEM 14

Draft decision E/CN.4/1997/L.18 (Status of the International Covenants on Human Rights)

50. Mr. WILLE (Norway), introducing the draft decision, said that there was a widely held view that the Commission had to deal with too many draft resolutions each year. In order to rationalize its work, therefore, it had been proposed that it should consider certain draft resolutions only every two years. The purpose of draft decision E/CN.4/1997/L.18 was precisely to enable the Commission to "biennialize" draft resolutions on the status of the Covenants on Human Rights; that would not weaken the substance of the issue considered under that item. The draft decision would also enable the Commission to continue to consider that agenda item at its next session and his delegation hoped it would be adopted by consensus.

51. Mrs. KLEIN (Secretary of the Commission) said that Denmark, Equatorial Guinea, Romania and Ukraine had also become sponsors of the draft decision.

52. Draft decision E/CN.4/1997/L.18 was adopted.

Draft resolution E/CN.4/1997/L.20 (Question of the death penalty)

53. Mr. TOSCANO (Italy), introducing the draft resolution on behalf of the 46 sponsors, said his delegation was aware that the question of the death penalty was an extremely delicate subject on which it was unlikely a consensus would emerge. However, every effort had been made to avoid offending various feelings.

54. The ultimate objective for all the delegations which had sponsored the draft resolution was obviously abolition of the death penalty; that involved a long-term task which they intended to tackle energetically. Yet the draft was also addressed to all those which, not being prepared to adopt an abolitionist position, shared the view of the sponsors that, even if certain rules limited

the application of the death penalty, they were unfortunately not always respected, as well as to all those which recognized that when human lives were at stake it was vital to comply with extremely strict standards of procedure.

55. His delegation hoped that, if the draft resolution was put to a vote, the number of delegations voting for it would be much greater than those which already subscribed to the idea, and that delegations which would be unable to vote for it would nevertheless not deny, by a negative vote, that a discussion which was unlikely to come to an end in the near future was fully justified.

56. Mrs. KLEIN (Secretary of the Commission) said that Angola, Nepal and Papua New Guinea wished to withdraw as sponsors of the draft resolution and that Chile had become a sponsor.

57. DATO HISHAMUDDIN TUN HUSSEIN (Malaysia) introduced the amendments (E/CN.4/1997/L.35) proposed to draft resolution E/CN.4/1997/L.20.

58. Although human rights had a universal dimension, their promotion was a matter that fell within the jurisdiction of individual States. It was inadmissible that a country should try, through the decisions of the Commission or other United Nations bodies, to have the death penalty abolished or to impose its values and its legal system on another country. At both the national and international levels, the protection of human rights should always take into account the combination of the historical, demographic, cultural, economic, social and political factors peculiar to the country in question, so that the principle of national sovereignty could be respected. From that standpoint, draft resolution E/CN.4/1997/L.20 was not balanced, since it reflected only one point of view and failed to take into account the fact that various legal systems adopted by democratically elected Governments reflected the will of the people who were alone able to decide whether or not capital punishment should be imposed for the most serious crimes in a given context. A single concept could not be applied on a global scale.

59. Furthermore, the death penalty was not in itself an inherently human rights matter. It would become so if it gave rise to serious violations of such rights as, for example, if it was used to suppress opponents or terrorize the population. In that case alone should the Commission deal with the situation. The sponsors of the draft resolution were trying to railroad the members of the Commission, and had not had the courtesy of engaging in the necessary consultations in order to draw up a text based on consensus as demanded by current trends.

60. For those reasons, it was proposed to replace the sixth paragraph of the preamble, which reflected only the opinion of the Human Rights Committee, by a reference to article 6, paragraph 2, of the International Covenant on Civil and Political Rights, which did not prohibit the death penalty. It was also proposed that a new paragraph 1 should be added, reaffirming the need to respect the principle of the sovereignty of States so as not to call in question the legislative and democratic procedures of the countries in question. As for paragraphs 3 and 4, it would be out of place for the Commission to call upon States which maintained the death penalty to observe the Safeguards in that respect and progressively to restrict the number of

offences for which the death penalty could be imposed - which suggested that such States were already contravening international law. It could, however, invite them to do so. Paragraphs 5 and 8 should be deleted for the same reason. Lastly, monitoring by the Secretary-General and the Commission in respect of that important question would be inadmissible from the standpoint of the sovereignty of States.

61. The sponsors requested a roll-call vote on each of the proposed amendments.

62. Mr. TOSCANO (Italy) said that the sponsors of the draft resolution found criticism concerning absence of consultation inadmissible, since the text had been distributed sufficiently in advance for all members of the Commission and the coordinators of various groups to present their views, which some had indeed done. In drafting their text, the sponsors had taken into consideration the concerns of those who were not so much in doubt about the justification of the ultimate objective as about the time necessary for its attainment. They had, moreover, done away with elements that might have given rise to controversy, since it was not their intention to impose their values on others. The draft resolution had a twofold purpose, namely, to reaffirm the need gradually to abolish the death penalty and to draw attention to the obligations that already restricted its application. The proposed amendments could not be perceived as being aimed at improving or balancing the draft. On the contrary, they deprived it of all meaning. The sponsors therefore urged delegations which were not radically opposed to the draft resolution not to vote in favour of the amendments.

63. Mr. LEHMANN (Denmark) pointed out that the Security Council, acting under Chapter VII of the Charter of the United Nations, by which all 185 Members of the United Nations were bound, had on two occasions come out against the death penalty because it was not covered by the statutes of the two international tribunals set up to try the perpetrators of crimes committed in the former Yugoslavia and in Rwanda. It should therefore be borne in mind, during the discussion of the matter, that the highest bodies of the international community did not accept that form of punishment.

64. Mr. BIGGAR (Ireland) said he wished to dispel the impression given by the representative of Malaysia that the sponsors of the draft resolution wished to impose their views on other States or on the international community as a whole, which would be impossible. They had, on the contrary, endeavoured to be persuasive, which was everyone's right. His delegation would vote against the proposed amendments.

65. Mr. VERGNE SABOIA (Brazil) said that his delegation was resolutely committed to the spirit of the draft resolution, of which it was a sponsor, and also subscribed to the methods advocated which were sufficiently flexible to take into account the concerns of countries that considered it necessary to maintain the death penalty. The proposed amendments would completely distort the purpose of the draft resolution and do away with its essential elements which should, in any event, govern the application of the death penalty.

His delegation, which was in particular opposed to the addition of the proposed new paragraph 1, would vote against the amendments in document E/CN.4/1997/L.35.

66. Mr. RAM SIMKHADA (Nepal) said that his delegation, which did not wish to be listed as a sponsor of the draft resolution, would nevertheless vote for it since it presented abolition of the death penalty as a universal objective to be attained progressively, without impinging on the sovereignty of States. It would vote against the proposed amendments.

67. Mr. HYNES (Canada) endorsed the points made by the representatives of Italy, Ireland and Brazil in speaking against the proposed amendments and in particular the new paragraph 1, which was at variance with the objectives of the Commission and the fundamental principles of international law - and especially the most important one, namely, the right to life, that was binding upon all States.

68. Mr. SANDOVAL BERNAL (Colombia) was in complete agreement with what had been stated by previous speakers and pointed out that the Colombian Constitution expressly prohibited the death penalty. He rejected the argument that a State could invoke specific legal or cultural features in order to evade the obligation to observe the fundamental rights of the individual. His delegation would vote against the proposed amendments.

69. Mr. MUKHOPADHYAY (India) explained that India was opposed neither to the spirit nor to the objectives of the draft resolution, since it applied the death penalty only exceptionally and for particularly odious crimes. Even in such cases, however, there were safeguards. Any death sentence had to be confirmed by a higher body. The accused could appeal to the High Court or to the Supreme Court and, as a last resort, could request a pardon from the Governor of the State in question or the President of the Republic. There were also provisions under which the sentence could be suspended for pregnant women and minors could not be sentenced to death. For those reasons, his delegation was unable to accept the wording of the draft resolution, which was too unbalanced owing to lack of consultation, and would vote for the amendments in order to correct those shortcomings. Furthermore, it was not appropriate that a question that the General Assembly had examined and dismissed should emerge once again two years later before the Commission, a subsidiary body of the Economic and Social Council which itself was a subsidiary body of the Assembly. Not enough time had elapsed and the adoption of the draft resolution might well create an unfortunate precedent; for that reason his delegation would abstain from the vote.

70. Mrs. RUBIN (United States of America) said that her delegation, although supporting the principle that States should impose the death penalty only on the basis of strict respect for international standards, was unfortunately unable to support a draft resolution which lacked balance and departed considerably from recognized international standards on a matter on which there was no consensus. International law, while restricting the application of the death penalty to the most serious crimes and providing safeguards in that connection, did not prohibit it. The International Covenant on Civil and

Political Rights expressly recognized the right of countries which had not abolished the death penalty to apply it. It was therefore up to States themselves to reach a decision in the matter in accordance with international law. By not recognizing their right to do so, the draft resolution failed to take into account the opinion of peoples who had expressed themselves in a democratic manner in favour of the death penalty.

71. Mr. LILLO (Chile) said that his delegation had associated itself with the draft resolution because it supported the objective of the progressive abolition of the death penalty. It would vote against the proposed amendments which would have the effect of distorting its spirit.

72. Mr. DEMBRI (Algeria) said that his delegation, which understood and approved criminal law provisions aimed at limiting the number of crimes to which the death penalty could be applied, would have preferred the draft resolution to pave the way for the adoption by consensus of a moratorium on the death penalty without espousing the abolitionist approach reflected in paragraph 5. Algeria, where capital punishment had been suspended since October 1993, nevertheless hoped that no binding obligation would be created, especially for Member States that had not yet acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Furthermore, apart from various aspects relating to the sovereignty of States, abolition required extremely broad consultation between countries belonging to the same civilization, namely, those of the Organization of the Islamic Conference, the Arab League and OAU. For those reasons, Algeria was unable to support the draft resolution and would vote for the proposed amendments.

73. Mr. BEBARS (Egypt) associated himself, as one of the sponsors of the amendments proposed in document E/CN.4/1997/L.35, with the observations of the representatives of India, the United States and Algeria. He was unable to support the draft resolution.

74. Mr. KONISHI (Japan) emphasized that the decision on whether the death penalty should or should not be authorized in a country was a delicate matter which should take into account a number of factors, such as public opinion, criminality and the State's policy in criminal matters. It was therefore inappropriate to try to bring about its uniform abolition without taking those factors into account. His delegation would vote against the draft resolution.

75. Mr. Joun Yung SUN (Republic of Korea) explained that his delegation would vote against the draft resolution since each Government had the sovereign right to decide, using its own criteria, whether it would adopt, maintain or abolish the death penalty. If the citizens of a country decided, through their representatives, to adopt a law eliminating from society persons responsible for particularly serious crimes, other countries should respect their wishes. In that respect, abolition of the death penalty, if it failed to take specific cultural contexts into account, would not necessarily serve the cause of human rights.

76. Mr. CHOWDHURY (Bangladesh) commended Italy on the efforts it had made for a number of years to have the death penalty abolished, but emphasized that the attainment of that objective implied the existence of ideal conditions

which had not yet been achieved. At the present time many societies still regarded the death penalty as a necessary deterrent for those committing particularly heinous crimes. Bangladesh for its part applied the death penalty only in exceptional cases; it hoped that one day it could be abolished and at that time it would support a draft resolution along those lines. For the present, however, abolition of the death penalty was a noble but premature idea.

77. Mr. LIU Xinsheng (China) said he would vote for the proposed amendments since the draft resolution was not sufficiently balanced.

The meeting rose at 1.10 p.m.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/SR.37
8 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 April 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (continued)

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (continued)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

CONTENTS (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN
RIGHTS;
- (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE
UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS;
- (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 3.30 p.m.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 14)
(continued) (E/CN.4/1997/L.20 and L.35)

Proposed amendments to draft resolution E/CN.4/1997/L.20 on the question of the death penalty (E/CN.4/1997/L.35)

1. The CHAIRMAN said that, as previously requested, a roll-call vote would be taken on each paragraph of the proposed amendments.

Paragraph 1

2. Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Zaire.

3. The amendment contained in paragraph 1 of E/CN.4/1997/L.35 was rejected by 24 votes to 17, with 11 abstentions.

Paragraph 2

4. Zimbabwe, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Benin, Bhutan, China, Cuba, Egypt, Guinea, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: El Salvador, Ethiopia, Gabon, Madagascar, Zaire.

5. The amendment contained in paragraph 2 of E/CN.4/1997/L.35 was rejected by 27 votes to 19, with 5 abstentions.

Paragraph 3

6. Guinea, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Bulgaria, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Mexico, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

7. The amendment contained in paragraph 3 of E/CN.4/1997/L.35 was rejected by 23 votes to 17, with 12 abstentions.

Paragraph 4

8. Zimbabwe, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

9. The amendment contained in paragraph 4 of E/CN.4/1997/L.35 was rejected by 27 votes to 15, with 10 abstentions.

Paragraph 5

10. Ukraine, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

11. The amendment contained in paragraph 5 of E/CN.4/1997/L.35 was rejected by 26 votes to 14, with 12 abstentions.

Paragraph 6

12. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Mozambique, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

13. The amendment contained in paragraph 6 of E/CN.4/1997/L.35 was rejected by 25 votes to 13, with 14 abstentions.

Paragraph 7

14. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

15. The amendment contained in paragraph 7 of E/CN.4/1997/L.35 was rejected by 27 votes to 13, with 12 abstentions.

Draft resolution on the question of the death penalty (E/CN.4/1997/L.20)

16. Mr. TUN HUSSEIN (Malaysia), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution. The issue at stake was not whether it supported capital punishment or not, but whether Governments had the right to make their own decisions on the matter. The death penalty corresponded to a deep human impulse to punish severely the most serious crimes; it was not in itself an abuse of human rights and there was no consensus that it contravened international law. Furthermore, it would be improper for a subsidiary body to usurp the authority of the General Assembly, which had considered the matter only two years previously.

17. At the request of the representative of Malaysia, a vote was taken by roll-call on draft resolution E/CN.4/1997/L.20.

18. Cape Verde, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Against: Algeria, Bangladesh, Bhutan, China, Egypt, Indonesia, Japan, Malaysia, Pakistan, Republic of Korea, United States of America.

Abstaining: Benin, Cuba, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Philippines, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, Zaire, Zimbabwe.

19. Draft resolution E/CN.4/1997/L.20 was adopted by 27 votes to 11, with 14 abstentions.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 15) (continued) (E/CN.4/1997/L.17)

Draft decision on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/1997/L.17)

20. Ms. PATTERSON (Canada), introducing the draft decision, said that an asterisk indicating observer status had been erroneously placed beside the name of her country and should be removed. The decision was essentially a procedural one by which the Commission invited the Secretary-General to solicit the views of Governments and other interested parties on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system and decided to resume consideration of all relevant reports at its fifty-fourth session.

21. Her delegation welcomed the submission of the independent expert's final report which, together with the Secretary-General's comparative analytical study of the six principal human rights treaties in force, would provide a solid basis for the Commission to give renewed attention to that important matter at its fifty-fourth session. That was precisely the objective pursued through the submission of the draft decision, which her delegation hoped would be adopted without a vote.

22. Mrs. KLEIN (Secretary of the Commission) said that the delegations of India, the Republic of Korea, Ukraine and Uruguay and the observer for Romania had become sponsors of the draft decision.

23. The draft decision was adopted without a vote.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/L.14, L.29 and L.30)

Draft resolution on violence against women migrant workers (E/CN.4/1997/L.14)

24. Ms. BAUTISTA (Philippines), introducing the draft resolution on behalf of its sponsors, said migrant workers deserved better treatment than they received, not only because they contributed productively to their host economies at the expense of great personal sacrifice, but simply because they were human beings. Their spirit of enterprise and resolve to conquer economic difficulties in strange lands and under different socio-cultural conditions helped developing economies move forward on the path to progress. Women migrant workers were the most vulnerable group of overseas labourers. The adoption of the draft resolution before the Commission would show that the family of nations had heard their cries for help and better treatment.

25. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Bangladesh and Madagascar and the observers for Belgium and Portugal had become sponsors of the draft resolution.

26. The draft resolution was adopted without a vote.

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (E/CN.4/1997/L.29)

27. Mr. de ICAZA (Mexico), introducing the draft resolution on behalf of its sponsors, said that 13 ratifications or accessions were required for the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to enter into force. So far none of the major countries of destination had signed or ratified the Convention. It was important to promote tolerance between migrant workers and the societies in which they resided so as to eliminate the growing manifestations of racism to which they were subjected. He hoped, therefore, that the draft resolution would be adopted by consensus.

28. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Bangladesh and Madagascar and the observers for Peru and Portugal had become sponsors of the draft resolution.

29. The draft resolution was adopted without a vote.

Draft resolution on migrants and human rights (E/CN.4/1997/L.30)

30. Mr. de ICAZA (Mexico), introducing the draft resolution on behalf of its sponsors, said that the number of migrants was steadily growing: in some countries, they constituted as much as a tenth of the population and, according to the International Organization for Migration (IOM), they accounted for 4 per cent of the population worldwide. Those figures were continuing to grow because of greater ease of travel, higher expectations sparked by the information revolution and disparities in income and general standards of living between countries.

31. Though migrants brought considerable benefits to the economies in which they lived, there was an alarming re-emergence of xenophobia and open or covert manifestations of racism. Migrants, who were especially vulnerable because they were far from their countries of origin and were facing linguistic and cultural difficulties, were increasingly subjected to degrading treatment and even to massive violations of their fundamental human rights.

32. In some countries, xenophobia was fuelled by attributing to migrants the real or imagined difficulties of local populations: in some cases migrants had even been denied the most fundamental services, such as health, education and the provision of food. Detention camps were proliferating and immigration policies adopted whose implementation fostered hostility to migrants. No one disputed the sovereign right of States to determine their own immigration policies, but such laws must respect human dignity and fundamental human rights.

33. The Commission should give special attention to the human rights of migrants and a specific thematic mechanism should be set up to furnish a comprehensive and far-reaching study of the phenomenon of international migration in order to identify its characteristics, structural causes and side-effects and thereby ensure the effective protection of the human rights of migrants.

34. After intensive consultations with the various geographical groupings and interested delegations, the sponsors had decided to make a number of changes to the text of the draft resolution.

35. The second preambular paragraph would be replaced by two separate paragraphs, to read:

"Affirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including national origin,".

36. Paragraph 1 would be replaced by:

"1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants,"

37. Paragraph 2 would be replaced by:

"2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights, and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and other applicable international instruments of human rights, effectively to promote and protect the human rights of all migrants;"

38. In the chapeau to paragraph 3, the words "for a period of 10 working days" would be replaced by "for two periods of five days", and the words "within the approved overall budget level for the current biennium" inserted between the words "a working group" and "consisting of".

39. Subparagraph (a) would be replaced by:

"(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing for the effective and full protection of the human rights of migrants; and".

40. Subparagraphs (b) and (c) would be deleted and replaced by a new subparagraph (b) to read:

"(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;"

41. The sponsors had shown great flexibility in the negotiations on the draft resolution and they hoped it would be adopted by consensus.

42. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Angola, Argentina and Ireland and the observer for Portugal had become sponsors of the draft resolution.

43. Explaining the administrative and programme budget implications of the draft resolution, she said that, under paragraph 3 as orally revised, the Commission would establish a working group consisting of five intergovernmental experts who would meet on two occasions, for five days each, prior to the Commission's fifty-fourth session. The costs of travel and per diem for those experts, which were estimated at US\$ 56,000, could be met within existing provisions under section 21 of the 1996-1997 programme budget. Substantive servicing of the meetings would be provided by the Centre for Human Rights. The conference servicing requirements could be absorbed within section 26 (e) of the programme budget for 1996-1997.

44. Mr. ALI (Malaysia) said that, having participated in the consultations on the draft resolution, his delegation had been disappointed to see that its views had not been taken into account. It would have liked specific recognition to be given to various types of migrants and emphasis laid on the responsibilities of sending countries for repatriating their citizens if required and for preventing illegal migration. In addition, mention should have been made of the responsibility of migrants to observe the laws and regulations of their host country.

45. The draft decision on migrants and human rights, as orally revised, was adopted without a vote.

46. Ms. RUBIN (United States of America), explaining her delegation's position on the draft resolution on violence against women migrant workers (E/CN.4/1997/L.14), said that it had joined the consensus because the subject was one of great concern. Its understanding of paragraph 5, however, was that there was no obligation under international law for a country to provide health, legal and social services to migrant workers.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/L.31/Rev.1)

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1997/L.31/Rev.1)

47. Mr. STROHAL (Austria), introducing the draft resolution, of which the delegations of Canada, India, Madagascar, the Republic of Korea, the United Kingdom, the United States of America and Uruguay and the observers for

Australia, Iceland, Liechtenstein and Lithuania had become sponsors, said that it encouraged further participation in the Working Group and had been revised in response to representations by interested delegations. There were two further changes to be made: the words "and for the consideration of possible solutions to problems involving minorities" at the end of paragraph 11 would be deleted; and the words ", and that it will also take note of the Commission's deliberations on this item" would be added at the end of paragraph 12.

48. Mr. QUAYES (Bangladesh), speaking in explanation of position, said that his delegation would not stand in the way of the consensus on the draft resolution, since it appreciated the efforts of the sponsors to take its views into account. He very much hoped, however, that, in accordance with the revision, the Working Group would indeed "take note of the Commission's deliberations", including the points raised by his delegation concerning adherence to the mandate under resolution 1995/24 and the premature call for extending that mandate.

49. Draft resolution E/CN.4/1997/L.31/Rev.1, as orally revised, was adopted.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
- (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
- (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/3, 35-43 and Add.1, 44-47 and Add.1, 2, 3 and 4, and 119; E/CN.4/1997/NGO/10, 24 and 28; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86 and 88-90; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

50. Ms. PINHEIRO PENNA de MELLO BARRETO (Brazil) said that Governments had a duty to protect the human rights of women and exercise due diligence to prevent violence against women, as well as to develop strategies to fulfil their international obligations effectively in that regard. Her delegation thus welcomed the report on her visit to Brazil of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47/Add.2).

51. Her recommendations would serve as guidelines to the Government and the National Congress of Brazil in improving existing programmes and initiatives to combat violence against women. The report contained some

weaknesses, however; it should have contained statistical data with more precise indications of the population surveyed and information regarding the methodology used for obtaining data. Inaccuracies had also arisen through the Special Rapporteur's reliance on sources described as "general belief" or on the opinions of NGOs.

52. The Government was committed to establishing policies and legal structures to ensure greater observance of women's rights. The National Congress had before it a bill proposing amendments to the Criminal Code incorporating a clear definition of the crime of sexual harassment and a reclassification of rape, which would no longer be a "crime against morals and customs", but a "crime against the human person" and subject to stronger sanctions.

53. Women's participation in politics had improved. Since 1996, it had been mandatory for 15 per cent of the candidates for each party in an election to be women. Women federal deputies had launched a national campaign to encourage women to participate in the 1996 municipal elections, with the result that participation by women had increased from 3.5 per cent to 7 per cent.

54. In 1996, the Government had established a working group for the elimination of discrimination at work and, on 8 March 1997, the President had launched "Strategies for Equality", a national plan to implement the Platform for Action of the Fourth World Conference on Women. Some conservative sectors of society were still resistant to women's full participation in all spheres of society on an equal basis, but the Government sought a new concept of citizenship that recognized that human rights were essential for a modern democracy.

55. "Strategies for equality" contained guidelines on eight topics: the fight against women's poverty; the inclusion of subjects relating to gender equality in school curricula; health programmes for women; the fight against domestic and sexual violence; women's access to power; the strengthening of institutional mechanisms dedicated to promoting women's rights; implementation of measures on women's rights contained in the Brazilian National Plan on Human Rights; and adequate treatment of gender issues by the media.

56. Mr. ZACKHEOS (Observer for Cyprus) said that there was a compelling need to develop the international legal regime so as to ensure adequate coverage of all cases of displaced persons. In Cyprus, the primary concern was to extend the protection of the Convention relating to the Status of Refugees and its Protocol to the displaced persons who were refugees in their own country. The Geneva Conventions should also be fully applied.

57. Refugee problems should be solved by addressing their root causes, which were not only armed conflicts, foreign aggression, famine, poverty and ecological disasters, but also the lack of democratic institutions and values. A concerted effort had to be made. Early warning and strong preventive measures, including the active search for the peaceful settlement of disputes, should be taken. States should respect their commitments under human rights instruments and the Charter of the United Nations.

58. The international community should not accept displacement in cases of armed conflict and foreign aggression as a fait accompli but should insist on the return of individuals to their ancestral homes. Governments and armed groups should refrain from hindering international humanitarian operations.

59. In Cyprus, as a result of the 1974 Turkish invasion and consequent occupation of 37 per cent of the country's territory, one third of the population had been forcibly expelled and had sought refuge in the government-controlled area. An affirmation of the right of all displaced persons to return was a sine qua non for a fair and lasting settlement of the Cyprus problem.

60. The European Commission on Human Rights had found Turkey responsible for violations of the European Convention on Human Rights with regard to its refusal to allow refugees to return home. The European Court of Human Rights had also found Turkey guilty of violating the property rights of a Greek Cypriot refugee, thus confirming that refugees remained the legal owners of their properties in the occupied part of Cyprus. Turkey unfortunately refused to comply with those resolutions and decisions but insisted on maintaining and upgrading its 35,000-strong army in Cyprus and preventing the refugees from returning home.

61. His delegation did not seek acrimony or tension but was seriously interested in a peaceful, viable and functional settlement of the problem, with full guarantees of the human rights and fundamental freedoms of the people of Cyprus as a whole.

62. Mr. BARTOLO (Observer for Malta) said that it was crucial to establish an early-warning mechanism in situations where an impending crisis involving displacement was evident. People decided to leave their homeland for many reasons, not only civil and ethnic strife but also the hope of a better economic future. The latter reason was becoming increasingly common in the Mediterranean, where many tried to gain access to other countries in order to escape the problems of their own. The situation in Albania was a cause of particular concern. Cooperation between the Mediterranean States and the European Union on some aspects of such population pressures would be discussed at a ministerial conference hosted by Malta later in the month.

63. His Government supported all the efforts being made to find a lasting solution to the situation in Cyprus on the basis of the prompt implementation of the resolutions of the Security Council and the Commission.

64. With regard to the composition of the staff of the Centre for Human Rights (E/CN.4/1997/45), his delegation's concern was that the Centre should aim not only at greater efficiency but also at greater relevance. The Centre should continue to consult Member States in that regard and his delegation would have preferred closer involvement in the reform before the advice of professional accountants had been sought. Such reforms should also take into account those occurring in other parts of the United Nations.

65. In line with the suggestion in document E/CN.4/1997/40, his Government, which was firmly committed to the fundamental right of equality between men and women in both law and practice, had appointed a Parliamentary Secretary

for Women's Rights, in order to enhance women's position in society at the decision-making level. The Malta Human Rights Association had been set up in September 1996 and it would shortly, in collaboration with other local organizations, stage an international conference on migration and human rights in the Mediterranean. His Government, which had taken all the necessary steps at the national level to promote and protect human rights, believed that serious consideration should be given to extending membership of the Commission to all the Member States of the United Nations.

66. Ms. TIMBERLAKE (Joint United Nations Programme on HIV/AIDS (UNAIDS)) said that, in 1996, there had been over 3.1 million people infected with HIV. Marginalized groups faced increased vulnerability to the disease owing to a lack of full human rights protection. Discrimination needlessly increased the suffering of people living with HIV/AIDS. UNAIDS, which was sponsored by six agencies of the United Nations system, called for an expanded response to the problem and urged the Commission and other human rights bodies to intensify their commitment to a rights-based response to HIV/AIDS.

67. The Second International Consultation on HIV/AIDS and Human Rights had been held in September 1996. Its report (E/CN.4/1997/37) was an exciting human rights and public health tool that challenged the international community to go beyond a simplistic response. The guidelines it contained confirmed that the more human rights were protected, the less people were infected with HIV and the better they could cope with HIV/AIDS in their lives. Since public health and human rights were complementary, public health concerns could not be used as an excuse to limit human rights in the context of HIV/AIDS. The rights to health, information, education, employment, social welfare and public participation were critical to reduce vulnerability to HIV infection and the Commission should continue to articulate the nature of those rights and States' obligations with respect to them.

68. The guidelines also recommended specific national measures to protect human rights and health, which could be summed up in three interconnected approaches: improving government response in terms of multisectoral responsibility; widespread legal reform focusing on anti-discrimination, public health protection and improvement of the status of women, children and marginalized groups; and support for increased private-sector and community participation.

69. Formal and customary law should be reformed to protect women and girls from sexual violence both inside and outside marriage and to equalize their status in terms of property, marital and custody laws and access to employment, health care, social support and political participation. Children should be protected from sexual violence and exploitation and should be given meaningful access to HIV/AIDS prevention information and means. States should consider changing discriminatory legislation that imposed penalties for certain sexual activities between consenting adults, and should take steps to reduce HIV transmission among injecting drug users.

70. UNAIDS was engaged in a number of projects concerning cooperation with United Nations treaty bodies and thematic and country mechanisms. The Commission and Subcommission were essential partners in efforts to eliminate the suffering in the pandemic that could be attributed to human rights abuse.

71. Mrs. EL HAJJAJI (Observer for the Libyan Arab Jamahiriya) said that women's rights had been marginalized in the United Nations system for the last 50 years. The Vienna Plan of Action had marked the beginning of the international community's recognition that women's rights were an integral part of universal human rights; subsequently, the Beijing Platform for Action had called for the elimination of obstacles to women's development.

72. Her country was part of the Arab civilization which had contributed to the enjoyment of human rights. The Koran called for equality among all inhabitants of the globe, regardless of sex, religion, language or ethnic origin. Libyan legislation guaranteed equality of political, economic and social rights between men and women; the only differentiation between the sexes was in terms of their respective duties, bearing in mind their biological differences.

73. The Libyan People's Assembly had adopted a document on women's rights which affirmed that discrimination against women was unjustifiable and authorized women to share political power and hold posts of authority. It also affirmed women's freedom of movement, right to education and employment and right to defend their country. Marriage to a non-Libyan did not change any of a Libyan woman's rights or duties; if a woman's former husband remarried, none of her acquired legal rights were jeopardized. In cases of adultery, men and women were treated equally under the law. Moreover, any action against women's rights was considered an offence, and women could go to court to defend their rights.

74. Mr. LAKATOS (Observer for Hungary) said that internal conflicts resulted in fewer refugees and more internally displaced persons. Owing to the lack of clear institutional responsibility for the internally displaced, international responses were highly uneven; in the Great Lakes region of Africa, they had focused much more on the refugee crisis than on internal displacement. Although the Office of the United Nations High Commissioner for Refugees (UNHCR) was best equipped to deal with the problem, the humanitarian, assistance, protection, reintegration and development needs of the internally displaced required a collaborative approach, inter alia on the part of human rights organizations.

75. Measures to protect and assist the internally displaced were important for preventing refugee outflows. Governments must be held accountable for ensuring human rights for everyone under their jurisdiction, without discrimination, and for bringing human rights violators to justice. The international community should uphold the principle that human rights were not the internal affair of any State. In situations of mass displacement, most resources and attention had been given to emergency responses; however, prevention was more cost-effective in both monetary and human terms.

76. Effective early warning depended on the systematic collection and analysis of observations from potential refugee-producing areas, but no United Nations office systematically collected information on internally displaced persons worldwide. Human rights monitoring, for both protective and early-warning purposes, was also valuable for prevention. The protection

role of human rights monitors in the field should cover not only the return process, but also situations in refugee camps. He welcomed the UNHCR reform aimed at delegating greater authority to field operations.

77. Long-term solutions to refugee crises depended on the political will and comprehensive responses of the States concerned and of the international community. An important lesson of recent crises was that progress in the international protection of minorities was a means of making human rights even more relevant in terms of securing peace and stability.

78. Mr. BOREL (Observer for the International Committee of the Red Cross (ICRC)) said that human rights and international humanitarian law were more relevant than ever in the current climate of violence, war and repression. His delegation urged all hostile forces to apply the principles and rules of humanitarian law, under which civilian populations enjoyed wide immunity even in internal armed conflicts, and population displacements were formally prohibited.

79. Even those who protected and assisted civilian populations had become targets of violence and he urged that they be respected. Under humanitarian law, victims had a right to assistance but, all too often access to victims was either not available in acceptable security conditions or refused altogether. The international community must establish appropriate humanitarian conditions in which the various organizations could carry out their activities in a coordinated and complementary way.

80. ICRC was pleased to be associated with the formulation of guiding principles that reaffirmed and clarified the rules protecting internally displaced persons. The problem was not so much, however, a lack of rules as the failure to implement them effectively.

81. Anti-personnel landmines continued to kill and maim thousands of innocent civilians annually, especially refugees and displaced persons. Landmines were not only a cause of displacement, but also an obstacle to the return of populations once conflicts had ended. The outcome of the 1996 Review Conference of the States Parties to the 1980 Convention on certain conventional weapons had been disappointing. A total ban on anti-personnel landmines was the only real solution, and all States should support the initiative of the Canadian Government to conclude an agreement to that effect by the end of 1997.

82. Mass exoduses were usually triggered by violations of humanitarian law committed with impunity. The establishment of ad hoc international criminal tribunals was a step in the right direction, but not in itself sufficient. The future international criminal court must have competence to judge those suspected not only of gross violations of the Geneva Conventions and Protocols but also of other war crimes. However, every State should adopt legislation to bring such persons to justice, since the international criminal court could not replace national jurisdictions.

83. Mrs. FALARDEAU-RAMSAY (Canada), speaking as head of the Canadian Human Rights Commission, said that national institutions had the unique role of ensuring that the human rights ideals promoted in the Commission were put into

effect domestically. She urged States which had not yet done so to establish national institutions as proof of their adherence to the standards they themselves had created.

84. While there was no single model for national institutions, there were internationally recognized standards of competence, responsibility, independence and composition that should act as a yardstick for determining what kind of institution to establish.

85. The Coordinating Committee of National Institutions, and the institutions themselves, would need the continued support of the Commission and the Centre for Human Rights if their efforts were to bear fruit. Funds must be found to support their activities both internationally and regionally, and the Centre's Advisory Services and Technical Assistance and Information Branch would have to make greater use of the expertise of national institutions in programmes to strengthen them.

86. National institutions must be given a distinct status, independent of the delegations of their States, to enable them to deal in their own right with the Commission and other United Nations human rights bodies.

87. Mr. SIK (Observer for the Democratic People's Republic of Korea) said that the Japanese Government and people continued to deny their crime of having forced thousands of Korean and other Asian women to serve as "comfort women" for the Japanese army in wartime. The Japanese Government should assume legal responsibility for violating international laws, disclose all relevant materials, bring the criminals to justice and make apologies and reparations.

88. However, Japan openly challenged the international community by ignoring its resolutions on the subject and pursuing an outdated way of thinking. For example, a government spokesman had recently claimed that the former "comfort women" had been prostitutes who had volunteered their services. Moreover, the issue was insufficiently dealt with in Japanese school textbooks.

89. Despite the seriousness of the human rights violations which Japan had committed as a State policy, the Japanese authorities tried to shirk their responsibility and placate their critics by merely offering a few former "comfort women" a paltry sum of money and a superficial "letter of apology".

90. To accept Japan as a permanent member of the Security Council solely on the basis of its capacity to make financial contributions would be nothing but a mockery of the United Nations. The Commission should strongly urge Japan to honour its legal and moral duty to make prompt reparation for its past crimes.

91. Mr. HÖYNCK (Germany), speaking in exercise of the right of reply, said that his Government condemned the abhorrent crime referred to by the observer for Turkey, in which three Turkish citizens had been killed and two others seriously injured in the town of Krefeld. Although the German police were thoroughly investigating the incident, the background was still unclear; no evidence of xenophobic or racist motives had come to light.

92. The German authorities investigated every case of xenophobic violence very seriously. Suspects of such crimes had been prosecuted uncompromisingly and, if convicted, had received the harshest possible sentences. The resolute action of the authorities had considerably reduced the number of xenophobic or racist incidents in Germany since 1993. His Government would continue to pursue and strengthen its efforts to prevent and punish such crimes, and would willingly cooperate bilaterally, regionally and internationally to combat racism.

The meeting rose at 6.10 p.m.





**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/SR.38
4 July 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 April 1997, at 6 p.m.

Chairman: Mr. SOMOL (Czech Republic)

later: Ms. BAUTISTA (Philippines)
(Vice-Chairman)

CONTENTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN
RIGHTS;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

CONTENTS (continued)

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE
UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 6.20 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;
- (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;
- (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1, 2, 3 and 4 and 119; E/CN.4/1997/NGO/10, 24 and 28; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86 and 88-90; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

1. Mr. AL-HUMAIMIDI (Observer for Iraq) said that, although there had been considerable progress in the establishment of fundamental human rights since the proclamation of the Universal Declaration in 1948, the interpretation of the criteria underlying them had been subject to much confusion and ambiguity. For example, the right of a State to sovereignty and non-interference in its internal affairs was one of the basic principles of international law, but that principle had been repeatedly violated under the pretext of protecting human rights or affording humanitarian relief.

2. Criteria should, therefore, be established for the interpretation of international human rights and a mechanism devised to give them effect. They should preclude: anything prejudicial to human rights and the sovereign rights of States and peoples in pursuit of political aims inconsistent with international law; selective interpretations of human rights in pursuit of conflicting international interests - "the double-standard approach"; any dissociation between political and civil rights and the economic, social and cultural rights with which they were integrally related - a State should not, for example, be condemned for failing to feed and provide health care for its people when it was prevented from availing itself of its natural and economic resources; and any distorted interpretation of the right to self-determination and of "minority rights" directed to religious and ethnic fragmentation in pursuit of political aims and international interests.

3. In the work of United Nations human rights bodies, emphasis should be placed on the neutral and objective role of special rapporteurs, whose true purpose, in line with General Assembly resolution 50/174, was the improvement of human rights situations, not interference in the internal affairs of the States concerned.

4. Mr. PITVANA (South Africa), speaking as Chairperson of the South African Human Rights Commission, said that his Commission, which had been established in 1995 by Act of Parliament in accordance with the Paris Principles, was endeavouring to popularize human rights by organizing seminars, workshops and public education programmes. It had also received and investigated a considerable number of complaints of human rights violations. In a multiracial, multilingual society, it had had to tread warily when dealing with sensitive matters such as the application of the rights to freedom of religion, tradition, culture and language.

5. It had undertaken initiatives in connection with the Third Decade to Combat Racism and the Decade on Human Rights Education and was collaborating with the Department of Justice in the preparation of projected anti-discrimination legislation, and with the Department of Home Affairs on refugee legislation. It was also conducting an inquiry into the human rights situation in the prisons, and further similar inquiries were planned.

6. His Commission monitored the implementation of the Bill of Rights and had enjoyed the cooperation of the Government departments concerned. Its role as a focal point for human rights practice and advocacy was generally recognized, and it was sponsoring a forthcoming national conference.

7. As in many countries whose citizens were concerned about rising levels of crime, popular opinion in South Africa tended to place a low priority upon human rights. Public education and awareness were therefore of critical importance. The work of the South African Commission was supported by the goodwill of the international community, especially the Centre for Human Rights, with which a technical cooperation agreement would shortly be reached. He also looked forward to cooperation with other national institutions and with non-governmental organizations (NGOs).

8. Mr. ALAEE (Observer for the Islamic Republic of Iran) said that it was regrettable that the Centre for Human Rights did not always make available expertise and material assistance to countries wishing to establish national institutions which played a pivotal role in the development of regional cooperation. Any restrictions imposed on their participation in the deliberations of the Commission and other human rights bodies would be detrimental to their contribution to the cause. The Iranian national institution, established in 1994, had undertaken numerous activities, including investigations of human rights abuses, public education, and the training of judges and prison staff.

9. Trafficking in women and their exploitation through prostitution and pornography, which had assumed the dimensions of organized transnational crime and constituted a new form of slavery, must be combated by resolute and concerted action by Governments and by public education. A first step was the empowerment of women through more cohesive programmes targeted at the socially and economically vulnerable, in which the United Nations Development Fund for Women (UNIFEM) could play a crucial role. His Government fully supported the Working Group on New Forms of Slavery, which was addressing the underlying causes.

10. Mrs. JEFFRIES (Observer for New Zealand) said that the development of human rights in the Asia-Pacific region, of which New Zealand was an integral part, had taken place through the ratification of international instruments and the establishment of national human rights institutions. In New Zealand, the Office of the Race Relations Conciliator, established in 1971, had been followed in 1977 by the Human Rights Commission, of which she was currently the Chief Commissioner.
11. The first meeting of the Forum of Asia/Pacific Human Rights Commission, held at Darwin in 1996, of which New Zealand had been a co-organizer had made significant progress in the establishment of further national institutions, and some 20 projects were currently being undertaken, supported by the Voluntary Fund, without whose help such work would not be able to continue. She also drew attention to the conclusions of the recent Amman workshop and paid tribute to the contribution made by NGOs.
12. She asked the members of the Commission to support the draft resolution on agenda item 9 (b) providing for a permanent right for national institutions to participate in the Commission's deliberations.
13. Mr. DAYAL (India), speaking as a member of the National Human Rights Commission of India, said that national institutions had a crucial role to play in bridging the gap between the pronouncements of the United Nations and the ordinary people in its Member States, and must be perceived as independent and credible. He believed that the statutory basis of his country's Commission, which was in line with the Paris Principles, had been of fundamental importance in gaining the confidence of the Indian people.
14. Turning to the report on national institutions (E/CN.4/1997/41), he said that, four years after the 1993 Vienna Conference, the time had surely come for the Commission to reach a decision on the method of participation of such institutions in United Nations forums. While much had been done to widen and strengthen the network of national institutions around the world, to which the Coordinating Committee was making a valuable contribution, there was an urgent need for increased contributions to the Voluntary Fund.
15. The National Human Rights Commission of India had witnessed a dramatic increase in the number of complaints received, which reflected the trust placed in it by the people. It had made progress in putting an end to custodial deaths and rape, and in recommending prosecutions and the payment of compensation. It was also working for systematic reform of the criminal justice system, and was dealing with a wide range of social issues, such as child labour. It welcomed United Nations measures to counter terrorism and, believing in the importance of peace and transparency, continued to support the presence of the International Committee of the Red Cross (ICRC) in Jammu and Kashmir.
16. Mr. NFOR GWEI (Observer for Cameroon), speaking in his capacity as Chairman of the National Commission on Human Rights and Freedoms of Cameroon and of the Coordinating Committee of African Human Rights National Institutions, said that the National Commission had diversified its membership by bringing in the representatives of various professional groups. It was making contact with religious bodies and local development associations, and

had encouraged human rights teaching in schools, and its inclusion in the training courses of the National School of Administration and Magistracy.

17. The National Commission was currently preparing a progress report on the first five years of its work. It was also continuing the work of investigating complaints, and inspecting prisons, detention centres and hospitals. Cooperation and assistance had been received from the Canadian and French Commissions, including a grant from the latter for the timely production of a brochure on free and fair elections. Following the dispatch of a needs assessment mission from the Centre for Human Rights, the National Commission expected that a contribution would follow to meet the desperate need for assistance in human rights promotion.

18. The first Conference of African Human Rights National Institutions in 1996 had been a major step forward in the development of regional cooperation. As Chairman of the Coordinating Committee of African Human Rights National Institutions, he had been actively encouraging the Governments of the region to establish national institutions and strengthen existing ones. He had also been in correspondence with the Chairman of the South African Commission, which was planning a national conference on the lines set out in the Yaoundé Declaration. Cooperation in the region could not, however, be limited to national institutions alone, but must harness the efforts of all human rights forces on the African continent.

19. Mr. SIDOTI (Observer for Australia) said he regretted the continuing delay in adopting a definitive resolution on the participation of national institutions in the Commission's deliberations. Progress, which he hoped would be made at the current session, required not only greater commitment on the part of Governments, but also effective assistance from the Centre for Human Rights, including advice from the legal division on the various options available.

20. The most significant recent achievement for the national institutions in the Asia-Pacific region had been the agreement to establish the Forum of National Human Rights Institutions which could make a valuable contribution to the effectiveness of existing institutions and encourage the establishment of new ones. It was important that the latter should be based on the Paris Principles, which provided an internationally accepted standard.

21. Turning to relations with the Centre for Human Rights, he said that its contribution to the development of national institutions had been among its very few tangible achievements over recent years, and he paid tribute to the work of many of its dedicated officials. Unfortunately, however, the Australian Commission had also encountered regrettable evidence of endemic mismanagement and incompetence in the Centre, where lost files, unanswered correspondence and unpaid debts appeared to be the rule rather than the exception. Cooperation between the Centre and a number of national institutions had, in fact, reached breaking point.

22. While he welcomed the appointment of a new officer in charge, with a promising record, the temporary nature of the appointment must not lead to any delay in establishing good management and competent performance in the Centre. The funds available for its work in establishing and strengthening national

institutions had been minimal and, when the special allocation by his Government, which had rendered it possible to engage a high-level expert in that area, came to an end in the near future, he feared that the Centre's commitment would again fall far short of meeting the requests for assistance by Member States. His delegation thus urged the Centre to ensure continuing resources for the support of national institutions from its own budget and from voluntary contributions.

23. Mr. URRUELA PRADO (Observer for Guatemala), commenting on the statement by the Independent Expert on the situation of human rights in Guatemala, confirmed that the State Plan forming part of the Peace Agreements included some of the recommendations in the reports submitted to the Commission. The office of Military Commissioner had been abolished in 1995 and the Voluntary Civil Defence Committees (CVDC) had also been abolished.

24. While his Government recognized that there were continuing shortcomings in the justice system, an important development was that Supreme Court judges were to be relieved of their administrative duties and to be concerned exclusively with juridical functions. A Justice Commission, established under the Peace Agreements, had already begun work to make the justice system more flexible and accessible. As for the Public Prosecutor's Office, a career structure had been introduced and a system of shift working instituted to ensure that prompt round-the-clock action could be taken in response to crimes and offences. With respect to the application of the death penalty, Guatemala was engaged in a dialogue with the Inter-American Commission on Human Rights. The resistance of some members of the Military Police to demobilization had been purely temporary and the body had been disbanded and its leaders put on trial.

25. Progress had also been made in resolving land disputes, for example in the Estrella Polar estate where mediation by the National Fund for Peace (FONAPAZ) had resulted in the withdrawal of the occupying peasants, who had moved to a neighbouring property purchased by the State. The Government also recognized the right to establish the truth about acts of violence that had occurred during the 36 years of armed confrontation and supported the work of the Commission on Historical Clarification.

26. Turning to individual cases, he said that delays in the Myrna Mack case had resulted from applications by the defence for annulment of proceedings which had not been conducted under the former Code of Procedure, but talks were continuing with the prosecution with a view to providing all necessary support compatible with the independence of State powers. As for the Mario Alioto López case, involving charges against six policemen, he wished to point out that article 8 of the National Reconciliation Act excluded from the Act, in addition to crimes against humanity, offences covered by human rights treaties of which Guatemala was a signatory.

27. His delegation was surprised that the Independent Expert's statement should have minimized the positive effects of the signature of the Peace Agreements, and have failed to mention the cordial and frank meetings that she had held with State officials, and to recognize the unreasonableness of expecting a solution to all problems within a few months of the establishment of internal normalization.

28. Mr. MASSALBAYE (International Federation of Human Rights) said that the International Federation and its Affiliated League for the Defence of Human Rights in Iran had recently published a report entitled "Iran: Tyranny in the Name of Allah", expressing their grave concern about violations of the rights of women in that country. Legally they were second-class citizens: if a man killed a woman, his heirs were obliged to pay the family of the victim half the commercial value of a man; the age of majority and thus of marriage for a girl was 9 years, while that for a boy was 15 years; a daughter's marriage had to be authorized by the father or paternal grandfather, not the mother, who had no parental authority and, in the case of divorce, could claim custody only of boys under two years of age and girls under seven - provided that she did not remarry. Polygamy was legal and, in spite of some modifications in divorce procedure, it was difficult for a woman to sue for divorce, which a man could obtain without difficulty.

29. A married woman was obliged to obtain her husband's authorization to leave the country or to work, and her choice of employment was subject to restrictions imposed by the husband. A foreign woman marrying an Iranian man automatically acquired his nationality, while the reverse was not true. A woman could only claim half the inheritance to which a man was entitled. Women accounted for only one tenth of the working population and some occupations remained inaccessible to them, including the judiciary and the office of President of the Republic.

30. The obligation to wear Islamic costume, the hijab, irrespective of the religion and nationality of the woman concerned, was absolute, and punishment for infringements ranged from verbal reprimands, to 74 lashes, and even imprisonment for up to a year.

31. Sport was a key area for promoting the integration of women, and his organization welcomed the reduction in the number of national Olympic teams excluding women athletes and appealed to all States to ensure that women and men participated equally and without any discrimination in the forthcoming Sydney Games.

32. Mr. GARCIA PICOLA (Pax Romana) said he wished to express his organization's profound disquiet at the situation of displaced Tamils in Sri Lanka, who were being used by both the belligerent parties as human shields.

33. In spite of the expressions of alarm by many international bodies and Governments about the continuing conflict in the Great Lakes region of Africa, the situation of refugees there was still worsening. It had proved impossible to stem the flow of refugees towards Kisangani and in the Kivu region, where the humanitarian crisis had been aggravated by increasingly violent military conflict. The joint peace plan proposed by the United Nations and the Organization of African Unity (OAU) had not found sufficient support from the conflicting parties, nor had the Special Rapporteur's offer to dispatch human rights observers. On the contrary, a number of members of United Nations humanitarian agencies and NGOs had been expelled or evacuated to Kisangani as a result of a refusal by local authorities to renew their safe conducts.

34. Prospects of peace in the region would continue to be remote as long as the ban on arms trading, which the Security Council had inexplicably lifted with regard to Rwanda, was not reimposed upon all the countries concerned. Concrete measures were essential if an overall political solution was to be found.
35. He appealed to Governments to support humanitarian aid and the repatriation of refugees, and to international bodies to increase the number of observers and provide adequate protection for them, and he called upon the representatives of Zaire, Rwanda and Burundi and other neighbouring countries to convene an international conference under joint United Nations/OAU auspices with a view to the definitive adoption of the peace plan.
36. Ms. PROVO KLUIT (Pax Christi International) said that internal or international conflict had uprooted 3 million people in the former Yugoslavia, and led to the exodus of 9 million refugees from Afghanistan to Pakistan and Iran, in addition to those displaced within the country. The most notorious case of inter-ethnic violence causing exodus and displacement was that which had occurred in the Great Lakes region of Africa, and the fate of the Rwandan refugees in Zaire, Tanzania and Burundi was causing grave concern. Some cases of internal displacement were created by deliberate measures, such as the recent expulsion of 20,000 Haitians from the Dominican Republic.
37. Many fundamental rights and freedoms were denied to refugees and internally displaced persons, as pointed out by the Representative of the Secretary-General in his useful analysis of the situation (E/CN.4/1996/52/Add.2), and they were exposed to violations of the right to life, to cruel treatment and other abuses, such as rape or the demand of sexual favours in return for food and assistance. The most obvious and basic violation, however, was denial of the right of freedom of movement and residence within a State enshrined in article 13 of the Universal Declaration.
38. Among the factors preventing refugees and internally displaced persons from returning home were lack of security, a poor human rights situation, lack of infrastructure and threats of violence, land and property disputes which they might encounter on their return, and the presence of anti-personnel landmines, which was a major threat to life and limb.
39. Ms. QUINTERO (Centre Europe-Tiers Monde) said that internal displacement continued to be one of the most serious and frequent violations of human rights in Colombia, where it was estimated that there had been 181,000 cases in 1996, making the overall total of victims at least 900,000. Among the causes were a persistent official policy of human rights violations, especially by the military, the police and the intelligence services, and the repeated breaches of humanitarian international law by all parties to the internal armed conflict.
40. Underlying causes were the unlimited accumulation of land by a few large owners, narcotics trafficking, the alliance of ranchers and other economic groupings with paramilitary formations, the need for ever-widening territorial control by the armed participants, large economic schemes with the participation of multinational companies, and the outlawing of legitimate social protest.

41. The Government continued to underestimate the importance of the forced displacement problem, as was evident from its failure to take concerted action to avoid further exoduses of peasants in districts controlled by paramilitary groups or where there were conflicts between the army and guerrillas. On the contrary, the authorization of the uprooting of civilians and the establishment by the Government of Rural Security Cooperatives had led to widespread panic.

42. The National Programme established by the Government was not participating in initiatives to prevent displacement and was inadequately staffed to undertake integral assistance programmes. The action required to remedy the situation should include: respect for international human rights commitments and the law governing armed conflicts; the disbanding of paramilitary groups; limits to land holdings; and guarantees of safe return and resettlement.

43. Ms. SHIN (World Alliance of Reformed Churches) said she welcomed the Commission's efforts to advance women's rights, especially through the work of the Special Rapporteur on violence against women whose mandate should, however, be extended to cover the follow-up to her work: for example, the failure by the Japanese Government to accept the recommendation in her report on military sexual slavery (E/CN.4/1996/53/Add.1) that it should pay compensation to the victims and its attempt to shift responsibility for payment to a private fund.

44. Since the Commission's last session three of the Korean victims of that slavery had died, still rejecting the indignity of receiving charity money instead of State compensation. The Special Rapporteur had also recommended that the Governments of countries with similar victims should bring the issue to the International Court of Justice, but no such action had so far been taken.

45. On the other hand, the United States Department of Justice had announced its decision to prohibit the entry of Japanese war criminals into the country - an example which should be followed by other Governments. While she supported the establishment of an international criminal court, she wished to emphasize that the gender perspective must be integrated in order to ensure that violations of women's rights would be properly addressed.

46. Mr. ARTUCIO (International Commission of Jurists), having congratulated the Independent Expert on her report on the situation of human rights in Guatemala (E/CN.4/1997/90), said that the international community must continue to provide technical and financial support for the integration of the ex-combatants from the URNG into the political and social life of the country, for the rights of the indigenous peoples of Guatemala, and for monitoring compliance with the agreements.

47. His organization was, however, concerned about the way in which the courts might interpret the provision in the National Reconciliation Act (145/96) for amnesty for offences during the "internal armed confrontation". It was essential that only those responsible for offences committed strictly within those limits should so benefit, and that both offences excluded from the amnesty - genocide, forced disappearance and

torture - and those committed outside the strict limits of the confrontation should be punished. It was inadmissible that those responsible for the numerous massacres of non-combatant peasants by both sides should go unpunished.

48. He commended the efforts of NGOs and parliamentarians in Japan to have a committee established by law to investigate military sexual slavery imposed by the Japanese regime during the Second World War upon women from Korea, China and Philippines. The victims should receive compensation for their sufferings, as his organization had recommended to the Commission and the Japanese authorities.

49. Ms. TOM (Caritas Internationalis) said that her organization had cooperated with other religious bodies in the preparation of a written statement on internally displaced persons for submission to the Commission (E/CN.4/1997/NGO/40). There was currently a much wider awareness of the problem, which was of particular concern to Caritas, and she expressed appreciation of the contribution of Mr. Deng as Representative of the Secretary-General on the subject. A "compact and useable" document, formulating guiding principles relating to all phases of displacement, was, however, needed. As to institutional arrangements, she agreed that the only feasible option was an integrated approach by all the organizations concerned, in which the High Commissioner for Human Rights should play a more active role.

50. She commended the 12 Governments that had invited country visits by the Representative, but adequate follow-up to recommendations and suggestions was also required. Anti-personnel landmines not only constituted one of the causes of displacement but were also a serious impediment to resettlement. Above all, respect for the human dignity and inalienable rights of internally displaced persons must always be the primary consideration in dealing with them.

51. Mr. SHOAIK (International Human Rights Association of American Minorities) said that, although there were many references to activities in support of the Decade for Human Rights Education in the report of the High Commissioner (E/CN.4/1997/46), it was disappointing to see that the role of NGOs continued to be minimal. His organization wished to suggest that an NGO-support committee for the Decade should be established within the Centre for Human Rights. It once more renewed its proposal that the mandate of the Special Rapporteur on violence against women should be widened to cover State-orientated violence.

52. Turning to the programme and methods of work of the Commission, he said that his organization wished to protest against the Commission's continued toleration of the presence in the conference hall of representatives of Governments that professed to be protectors of human rights but whose gross violations of them and refusal to invite Special Rapporteurs or to cooperate with them were denounced in many of the reports before the Commission.

53. One such example was India, whose repeated violations of human rights in Jammu and Kashmir were reliably attested by independent NGOs such as Amnesty International and Human Rights Watch. The Special Rapporteur on questions

relating to torture had transmitted over 50 cases of torture and inhuman treatment and two urgent appeals involving 180 persons to the Indian Government, and had expressed concern in his report at the persistence of torture, often followed by death, in Jammu and Kashmir. The report of the Working Group on Enforced or Involuntary Disappearances was also damning in its references to India. He was aware of the difficulties that arose from political and economic considerations, but thought that the time had come for the Commission to establish a more effective accountability mechanism.

54. Ms. SPALDING and Mr. TENENBAUM (United Towns Agency for North-South Cooperation), speaking alternately, said that the five minutes allowed to cover so many human rights issues were comparable to the five fingers of the hand seeking to hold grains of wheat or life-giving water - very different from the hand, uniting all races, which had appeared on human rights posters in 1991-1992.

55. In the report of the High Commissioner for Human Rights on implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/1997/46), reference was made to the Commission's invitation to all concerned, including the private sector, to participate in building and strengthening programmes and capacities for formal and informal human rights education - an invitation which Dove Productions and JAMUP to JAMOP ("Just a Minute for Universal Peace" and "Just a Minute of Peace" - a series of music programmes to commemorate the anniversary of the Universal Declaration and celebrate the dawn of the new millenium) had proudly accepted. As a contribution to the public information activities outlined in document E/CN.4/1997/36, Dove Productions also offered its Website at WWW.JAMOP.COM to complement those being developed by the United Nations.

56. Dove Productions was also involving young people in its development of JAMUP and JAMOP and had undertaken to share the profits from the 1998 JAMUP concerts in the form of a challenge grant to contribute to the funds for the proposed 1999 world conference on racism.

57. Mr. MAACHOU (Arab Lawyers Union) said that the estimated figure of 125 million displaced persons and refugees indicated the scope and seriousness of the problem which, although it often took different forms, had in common the uprooting of people from their land and property, and their exposure to deprivation of their social and cultural rights, and often of the right to life itself. Among the causes were racial discrimination and civil and religious wars and other forms of conflict, as in the former Yugoslavia, Africa and the occupied Arab territories. In the last of these cases, a major cause was the settlement policy of Israel, as illustrated in East Jerusalem, where Israel was setting out to destroy the demographic and geographical character of the city and rid it of its Arab inhabitants.

58. Another major cause was ethnic violence, particularly in underdeveloped areas. The tragic mass displacements in the Great Lakes region of Africa were causing instability in all the neighbouring countries, including Sudan, the sufferings of whose people, as reflected in the reports of the High Commissioner for Refugees and the Special Rapporteur, were of special concern to the Arab nations. The remedy for mass exodus and displacement varied according to the causes in each particular case, but what was common to

them all was the need to protect international legality, and his organization appealed to the United Nations system to seek for solutions compatible with that principle.

59. Ms. BAUTISTA (Philippines), Vice-Chairman, took the Chair.

60. Ms. FARHI (International Council of Jewish Women), speaking also on behalf of 20 other NGOs,* said that the question of the reform of the programme and working methods of the Commission had been a matter of concern for some years to the NGO community. The written statement they had submitted (E/CN.4/1996/NGO/22) expressed the view that the Commission's debates did not adequately reflect important changes in the world and their effects on all aspects of the human rights situation, and particularly that of women. All attempts to give the Commission's work a new and more constructive direction had so far failed for lack of political will.

61. Priority-setting in what was often an overloaded and confused agenda seemed to be made on no comprehensible principle. Agenda item 10, for example, involved a rushed review of countries whose violations of human rights, including genocide and ethnic cleansing, had set new records for barbarism, while an entire item and four days of discussion were reserved for a single country - one indeed accused of violations, but also recognized by the international community as a democratic State.

62. One might also have expected that a review of the follow-up of the grave situations discussed at extraordinary sessions of the Commission would receive priority treatment at the current regular session, but that had not so far been the case. And what was to be said of areas of the world whose names that had never appeared on the agenda, but where it was a matter of common knowledge that flagrant violations were occurring, as reported by the NGOs and the media? It was also a matter for regret that women's rights had only rated sub-items in the agenda and had not been integrated into all relevant analyses.

63. As to agenda item 9 itself, it was hard to understand why such disparate subjects had been thus brought together, incidentally to the great disadvantage of NGOs that could speak only once on the entire item. While it was perfectly legitimate to seek consensus where possible, excessive resort to it was often a mere pretext for blocking necessary or constructive decisions; it should be remembered that voting was the basis of democracy.

64. Although the Commission, as an intergovernmental body, was a political one, its unique mission imposed the duty of rising above empty political wrangling. Debates should bring more intellectual rigour to the discussion of matters that deserved something better than invective and value judgements. The frequently used argument of the inviolability of national sovereignty and the illegality of any interference in internal affairs was inadmissible in the face of massive and flagrant violations of human rights.

* The list of NGOs concerned appears as an annex to this summary record.

65. Monitoring mechanisms should be strengthened and special rapporteurs given the resources required by their mandates, and greater coordination established between the various human rights bodies.

66. The NGOs were perplexed to note that the more their competence and usefulness was praised the more their prerogatives appeared to melt away year by year. There were, for example, only 10 seats with labels in the conference hall for 160 duly accredited NGOs.

67. The NGOs sponsoring her statement appealed to the members of the Commission to re-establish a working group on the reform of the Commission's work and agenda at the fifty-fourth session. The NGOs in question assured the Commission that they were ready to make every possible contribution to the efficient working of the Commission, in the spirit of the Charter and of the Universal Declaration of Human Rights.

68. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that, as had been emphasized in the Beijing Declaration and Programme for Action, the effective suppression of trafficking in women and girls, which had become a major focus of international organized crime, was a matter of pressing international concern.

69. Among its root causes were patriarchal and racist attitudes, often combined with discrimination against specific social groups, such as women migrant workers, particularly illegal immigrants, who were often indigenous women from poor countries. They often seemed to be viewed as providing protection for other women from men seeking extramarital satisfaction for their desires. The double standards of society and its media treated them as second-class and immoral, making their fate comparable to that of the victims of military sexual slavery, the so-called "comfort women".

70. If a sound human rights culture was to be built, such double standards had to be eliminated, and the victims of multiple discrimination decriminalized and empowered, which would require a broad educational process to make those in authority - including police, immigration, consular and juridical offices, and social workers, doctors and lawyers - conscious of their responsibilities.

71. Human rights education could provide an ideal field for education against sexist and racist discrimination. In addition, both domestic and international legislation and instruments should be strengthened.

72. Ms. AVELLA ESQUIVEL (Women's International Democratic Federation) said that it was regrettable that the reports of both the Special Rapporteur on violence against women and the Special Rapporteur on Afghanistan had not come to hand in time for discussion.

73. The report on integrating the human rights of women into mechanisms throughout the United Nations system (E/CN.4/1997/40) referred to the adoption of the Convention on the Elimination of All Forms of Discrimination against Women as the establishment of a juridical instrument for the protection of their rights, but the events of the past year showed that, in some countries, the status of women and children received no respect at all. The horrifying

events in Rwanda and Burundi and those daily reported from Zaire had not resulted in any timely assistance from the world community in spite of the shocked reaction of public opinion.

74. At a time when technical advances made it possible for supplies to be delivered very quickly almost anywhere in the world, it was inadmissible that women and children should be left to die for lack of food and medicine. Special rapporteurs treated the situation of women as part of their mandates, but that was not enough in view of the extremely grave problems of violence against women throughout the world.

75. Sudan had not adhered to the Convention, and neither there nor in the Islamic Republic of Iran was there any cessation of violations of their rights, although discussion of their situation had begun in the latter country. The new regime in Afghanistan had virtually enslaved women, who could not work, or go out alone and who were obliged to veil themselves from head to foot. Their basic rights had been annulled in spite of the fact that that country had ratified a number of human rights instruments.

76. In Latin America, women had suffered every sort of violence, including forced marches over long distances with their children. In Peru, they were used as spoils of war and detained in subhuman conditions. Her organization was also concerned by the terrorism prevailing in a number of countries, often involving military and paramilitary units acting with the approval of Governments that claimed to defend human rights.

77. Ms. NOWROJEC (Human Rights Watch) said that the international community appeared to be retreating from the protection of refugee rights, and there was growing reluctance among African Governments to host massive refugee flows. The international community must be prepared to institute screening processes to separate refugees from human rights violators and combatants, and the United Nations must strengthen its framework for the protection of the internally displaced. UNHCR had stood by and watched the forced repatriation of Rwandan and Burundian refugees, and their return had not been monitored or assistance provided for their permanent reintegration.

78. In Sudan, Government troops and militias had caused massive displacement and death by raids upon civilians, as had the rebel army. The United Nations must insist on access to areas of need and oppose the transfer of Operational Lifeline Sudan to government-controlled territory, which would limit its action. It must also stop the rebel army from forcibly recruiting children.

79. In Kenya, thousands remained internally displaced by State-sponsored "ethnic" violence, and a UNDP programme on their behalf had been brought to an end in 1995, largely by Government obstruction.

80. In 1995, South Africa had ratified the refugee convention, and large numbers of persons displaced by conflict were migrating into that country, as a result of which there had been an upsurge of xenophobia. It was essential to ensure that the rights of asylum-seekers, refugees and non-citizens continued to be respected there.

81. Mr. ABDELBAGI (World Federation of Democratic Youth) said that his organization, in an endeavour to promote broader respect for human rights, particularly those of internally displaced persons, had organized the First International Peace Caravan to Sudan in December 1996, and its findings and recommendations had been forwarded to the parties to the conflict and the relevant regional and international organizations, as reported in documents E/CN.4/1997/NGO/24 and 26.

82. The people in southern Sudan and the Nuba Mountains were destitute of everything but their unfulfilled yearnings for social justice, peace and security. The Caravan had witnessed indiscriminate bombings of civilian targets by the government air force, and had first-hand evidence of serious violations of fundamental rights.

83. Women, children and young people were crowded into refugee camps, such as the one run by UNHCR, which lacked proper medical services. International agencies and organizations must extend all possible technical and humanitarian assistance to the people of those areas. The situation in the Nuba Mountains was particularly alarming, since only pro-Government relief organizations were allowed access. His organization fully supported the recommendations by the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58).

84. Miss AAFJES (Institute for Women, Law and Development) welcomed the recommendations of the Special Rapporteur on violence against women that States should ratify, without reservation, the international human rights instruments relating to women and should amend their penal codes to reflect recent research findings.

85. In a recent study, based on work with women from 23 countries, her organization had found that although most countries criminalized rape, the relevant laws were frequently not enforced or were too limited to address rape effectively. The definition of rape was often too narrow and needed to be broadened to cover a full range of sexual violence and all categories of women, regardless of marital status, class or profession.

86. Some laws were also discriminatory in requiring corroboration solely because the victim was a woman, and in admitting evidence of the victim's past sexual conduct. Some countries also required a medical examination within 24 hours of the rape, at a time when the victims were suffering from post-traumatic stress, or required an act of resistance from the woman. Legislation was not enough; States must also implement gender-sensitization programmes at all levels of the police, judiciary and medical administration, and allocate funds for victim-support services.

The meeting rose at 9 p.m.

Annex

List of non-governmental organizations sponsoring the statement by
the International Council of Jewish Women under agenda item 9

African Association of Education for Development (AFASED)
All India Women's Conference
Coordinating Board of Jewish Organizations
International Abolitionist Federation
International Alliance of Women
International Association of Democratic Lawyers (IADL)
International Association of Jewish Lawyers and Jurists
International Council on Jewish Social and Welfare Services
International Federation of University Women (IFUW)
International Federation of Social Workers
International League for the Rights and Liberation of Peoples
Pax Christi International
Rehab Hope Foundation
World Association of Girl Guides and Girl Scouts (WAGGGS)
World Christian Life Community
World Federation of Methodist and Uniting Church Women
World Jewish Congress
World Union for Progressive Judaism
World Union of Catholic Women's Organizations
Zonta International